

Law Offices of John C. Pharr
733 W. 4th Ave, Suite 308
Anchorage, Alaska 99501
Ph: 907-272-2525
Fax: 277-9859
E-mail: jpharr@gci.net
Bar # 8211140 AK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
ALEXANDER J. BOOKER, et al,)
)
 Defendants.)
_____))

Case 3:05-cr-108-08-JWS

DEFENDANT'S SENTENCING MEMORANDUM

Defendant ALEXANDER BOOKER's objections to the PSR are as follows:

¶16 - defendant should be entitled to a 4-reduction for minimal participant, or a 2-level reduction for minor participant. He was substantially less culpable than the others, inasmuch as his role largely involved sending funds by Western Union. USSG §3B1.2.

¶52 - defendant should be entitled to a horizontal adjustment in criminal history category to no more than III, since his points are mostly for driving offenses. USSG §4A1.1.

¶100 - the total offense level should be 19, criminal

history category of III, thus making the guideline range 37-46 months, and defendant should be sentenced to no more than the five year mandatory minimum. 21 U.S.C. §841(b)(1)(B)(ii).

¶s 50-52, 122 - Criminal History Category IV significantly over-represents the seriousness of defendant's criminal history, so there should be a horizontal departure to a criminal history category III. U.S.S.G. §4A1.3 states:

There may be cases where the court concludes that a defendant's criminal history category significantly over-represents the seriousness of a defendant's criminal history or the likelihood that the defendant will commit further crimes. An example might include the case of a defendant with two minor misdemeanor convictions close to ten years prior to the instant offense and no other evidence of prior criminal behavior in the intervening period. The court may conclude that the defendant's criminal history was significantly less serious than that of most defendants in the same criminal history category (Category II), and therefore consider a downward departure from the guidelines.

Defendant's prior offenses consist mostly of driving offenses, so IV makes it look more serious than it is in reality.

DATED this 26th day of September 2006, at Anchorage, Alaska.

LAW OFFICES OF JOHN C. PHARR
Attorneys for Alexander J. Booker

s/ John C. Pharr
733 W. 4th Ave, Suite 308
Anchorage, Alaska 99501

Ph: 907-272-2525
Fax: 907-277-9859
E-mail: pharr@gci.net
Bar # 8211140 AK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on
September 26th, a copy
of the foregoing was served
electronically upon:

Stephan A. Collins,
Asst. U.S. Attorney
stephan.collins@usdoj.gov